

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES J. BRUMMELER, et al.,

Plaintiffs,

Case No. 1:14-cv-866

v.

HON. JANET T. NEFF

TABBER JAMES BUSHY, et al.,

Defendants.

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**OPINION AND ORDER**

This matter is presently before the Court on Defendant In & Out LLC's Objection (Dkt 53) to the Report and Recommendation (Dkt 52) of the Magistrate Judge, recommending that this Court deny the imposition of sanctions against the pro se plaintiff parties and deny Defendant In & Out LLC's motion for sanctions (Dkt 46). Plaintiffs have filed a Response (Dkt 55). The parties have stipulated that with the dismissal of Defendant Freddie Mac, the Court lacks jurisdiction and this case should be remanded to state court upon the resolution of the pending motion for sanctions.

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court determines that the Magistrate Judge carefully and thoroughly considered the record, the parties' arguments, and the governing law. The assertions and arguments in Defendant In & Out LLC's Objection do not persuade the Court otherwise and do not demonstrate any factual or legal error in the Magistrate Judge's analysis or conclusion. For the reasons stated in the Report and Recommendation, the Court agrees that the motion for sanctions

is properly denied. Accordingly, the Court will adopt the Magistrate Judge's Report and Recommendation as the Opinion of this Court and enter a Judgment consistent with this Opinion and Order. *See* FED. R. CIV. P. 58.

**THEREFORE, IT IS ORDERED** that the Objection (Dkt 53) is DENIED, and the Report and Recommendation (Dkt 52) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Defendant In & Out LLC's motion for sanctions (Dkt 46) is DENIED.

**IT IS FURTHER ORDERED** that this case is remanded to Mecosta County Circuit Court.

Dated: September 21, 2015

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge